

THURSDAY, MAY 17, 2001
FORTIETH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Frank Lewis, First Baptist Church, Nashville, Tennessee.

Representative West led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....95

Representatives present were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Bittle; personal reasons.

Representative Ridgeway; personal reasons.

Representative Westmoreland; family death.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 196: Rep(s). White as prime sponsor(s).

House Bill No. 227: Rep(s). McCord, Johnson, Davis (Washington), Baird, Buttry, Montgomery, Goins and Clem as prime sponsor(s).

House Bill No. 542: Rep(s). Godsey, Mumpower, Sargent and Roach as prime sponsor(s).

House Bill No. 981: Rep(s). Todd and Cole (Carter) as prime sponsor(s).

House Bill No. 1548: Rep(s). Pleasant as prime sponsor(s).

House Bill No. 1568: Rep(s). Fowlkes as prime sponsor(s).

PERSONAL ORDERS

RECOGNITION IN THE WELL

Rep. Rinks was recognized in the Well to introduce the winners of the "Exemplary School Safety Project," for remarks.

SPECIAL ORDER

Rep. Rinks moved that all members voting aye on House Resolution(s) No(s). 101, 103, 102 and 104, on today's Consent Calendar, be added as sponsors, which motion prevailed.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for May 21, 2001:

House Resolution No. 105 -- Memorials, Academic Achievement - Sequoyah Elementary School, highest TCAP reading scores. by *Hagood.

House Resolution No. 106 -- Memorials, Recognition - Harold Smith. by *Phillips.

House Resolution No. 107 -- Memorials, Retirement - Judith Turner. by *Hood.

House Resolution No. 108 -- Memorials, Retirement - Mary Elizabeth Vinson. by *Hood.

House Joint Resolution No. 375 -- Naming and Designating - Rockabilly Music Month, June 2001. by *Kisber.

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House Joint Resolution No. 394 -- Memorials, Death - J. W. Clemmons. by *Bone.

House Joint Resolution No. 395 -- Memorials, Interns - Jamie Marie Webb. by *Naifeh.

House Joint Resolution No. 396 -- Memorials, Interns - Thomas Cale Harris. by *Naifeh.

House Joint Resolution No. 398 -- Memorials, Academic Achievement - Ardis Strong, Valedictorian, Bolton High School. by *Pleasant, *Hargett.

House Joint Resolution No. 399 -- Memorials, Academic Achievement - Anderson P. Heston, Salutatorian, Bolton High School. by *Pleasant, *Hargett.

House Joint Resolution No. 400 -- Memorials, Public Service - Joanne Yeager Dull, Legislative Budget Analysis Specialist. by *Kisber, *Head, *Naifeh.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 2014 -- Shelby County - Subject to local approval, includes as authorized use of funds from hotel/motel tax payment of bonded indebtedness, including expenses from sale of bonds, for construction or modification of sports facility. Amends Chapter 131 of the Private Acts of 1969. by *Bowers, *Miller L, *DeBerry J, *Turner (Shelby), *Towns, *Todd, *Cooper B, *DeBerry L, *Scroggs, *Pleasant, *Kent, *Stanley, *Brooks, *Hargett, *Kernell, *Chumney, *Jones U (Shelby).

House Bill No. 2015 -- Livingston - Subject to local approval, provides for aldermen to be elected at-large in local election. Amends Chapter 130 of the Acts of 1907; as amended. by *Windle.

House Bill No. 2016 -- Jackson - Subject to local approval, creates Jackson Energy Authority. Amends Chapter 407 of the Acts of 1909. by *Kisber, *Shaw.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 60** -- Sunset Laws - Department of human services, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 4, Chapter 3. by *Harper. (HB931 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 114** -- Sunset Laws - Department of mental health and developmental disabilities, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 4, Chapter 3. by *Harper. (HB921 by *Kernell, *Brooks, *Cooper B)

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***Senate Bill No. 117** -- Sunset Laws - Department of mental health and development disabilities, statewide planning and policy council, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 33, Chapter 1. by *Harper. (HB922 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 296** -- Criminal Procedure - Defines and codifies "lesser included" criminal offenses and establishes rules for their use in criminal justice system. Amends TCA Section 40-18-110. by *Haynes. (HB712 by *Sands)

***Senate Bill No. 333** -- Insurance, Health, Accident - Enacts "Access to Health Carriers' Payment Policies, Rules and Fee Schedules Act." Amends TCA Title 56. by *Clabough. (HB875 by *Kisber, *Jones, S.)

Senate Bill No. 690 -- Hospitals and Health Care Facilities - Establishes Center for Stroke Care Excellence at hospital in each grand division of state. Amends TCA Title 68. by *Ford J. (*HB368 by *Bowers)

Senate Bill No. 737 -- Child Custody and Support - Assesses penalty of \$100 per day against department of human services for each day from 10 days after lien for failure to pay child support under centralized collection and disbursement system has been satisfied and department has failed to release lien. Amends TCA Title 36, Chapter 5. by *Fowler. (*HB418 by *Bunch)

Senate Bill No. 759 -- Hospitals and Health Care Facilities - Creates new class of health care facilities for facilities with less than 25 beds for purposes of assessing health care facility fees based on number of beds. Amends TCA Section 68-11-216. by *Henry, *Dixon. (*HB145 by *Arriola, *DeBerry L)

Senate Bill No. 1661 -- Health, Dept. of - Raises minimum number of residents to constitute home for aged; authorizes department of health to investigate facilities for licensure compliance. CAVEAT: The TCA citation in the caption is incorrect. Amends TCA Title 68, Chapter 11, Part 2. by *Fowler, *Clabough. (*HB1384 by *Davis (Cocke), *Ford S)

***Senate Bill No. 1798** -- Public Health - Requires inspection fees for medical radiation machines be set amount; removes condition that lower inspection fee be based on requirement that all medical radiation machines be inspected by qualified individual within specified times. Amends TCA Section 68-202-503. by *Haynes. (HB1736 by *West)

REPORTS FROM STANDING COMMITTEES

The committees that met on **May 17, 2001**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **May 21, 2001**: House Bill(s) No(s). 1455, 1755, 743, 1844, 154, 782, 1385, 1287, 466, 1679, 921, 922, 926, 110, 1914, 1339, 1559, House Joint Resolution(s) No(s). 209, House Bill(s) No(s). 1838 and 1383.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **May 21, 2001**: House Bill(s) No(s). 561 and 1366.

CAPTION BILLS REFERRED
May 17, 2001

Pursuant to **Rule No. 47**, the following Caption Bill(s), 708 held on the Clerk's desk were referred to the following Committee(s):

***House Bill No. 708** -- Business Organizations – House Finance, Ways and Means Committee

CONSENT CALENDAR

House Resolution No. 89 -- Memorials, Recognition - Donna Akin Morgan, General Assembly Intern Coordinator. by *Kent.

House Resolution No. 90 -- Memorials, Academic Achievement - Aaron Stewart, Salutatorian, Lenoir City High School. by *Overbey, *Johnson.

House Resolution No. 91 -- Memorials, Academic Achievement - Joey Kimbrell, Salutatorian, Greenback High School. by *Johnson, *Overbey.

House Resolution No. 92 -- Memorials, Academic Achievement - Casey Poe, Salutatorian, Greenback High School. by *Johnson, *Overbey.

House Resolution No. 93 -- Memorials, Academic Achievement - Tiffany Dunn, Valedictorian, Lenoir City High School. by *Overbey, *Johnson.

House Resolution No. 94 -- Memorials, Academic Achievement - Justin Hudgens, Valedictorian, Greenback High School. by *Johnson, *Overbey.

House Resolution No. 95 -- Memorials, Academic Achievement - Ivy Griffin, Salutatorian, Sweetwater High School. by *Johnson.

House Resolution No. 96 -- Memorials, Academic Achievement - Darrell Allen Benton, Valedictorian, Sequoyah High School. by *Johnson.

House Resolution No. 97 -- Memorials, Academic Achievement - Mary Cavender Witt, Salutatorian, Sequoyah High School. by *Johnson.

House Resolution No. 98 -- Memorials, Academic Achievement - Emily Cleveland, Valedictorian, Sweetwater High School. by *Johnson.

House Resolution No. 99 -- Memorials, Academic Achievement - Randall K. Thomason, Valedictorian, Loudon High School. by *Johnson.

House Resolution No. 100 -- Memorials, Academic Achievement - Urmi Kanu Patel, Salutatorian, Loudon High School. by *Johnson.

House Resolution No. 101 -- Memorials, Recognition - Memphis City Schools' Center for Safe and Drug-Free Schools, "Exemplary School Safety Project". by *Rinks, *Naifeh, *DeBerry L, *Davidson, *Hargrove.

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House Resolution No. 103 -- Memorials, Recognition - Elizabethton City School System Safety First! Program, "Exemplary School Safety Project". by *Rinks, *Naifeh, *DeBerry L, *Davidson, *Hargrove.

House Resolution No. 102 -- Memorials, Congratulations - Weakley County School system's winning of Exemplary School Safety Award for Small Counties for their implementation of Safe Schools Act of 1998. by *Rinks, *Naifeh, *DeBerry L, *Davidson, *Hargrove.

House Resolution No. 104 -- Memorials, Recognition - Hamilton County Schools' Safe Schools Initiative, "Exemplary School Safety Project" for large counties. by *Rinks, *Naifeh, *DeBerry L, *Davidson, *Hargrove.

House Joint Resolution No. 388 -- Memorials, Interns - Patrick Joseph Boggs. by *Mumpower, *Godsey, *Davis (Washington).

House Joint Resolution No. 390 -- Memorials, Professional Achievement - Sandra Hughes, Award of Recognition for Outstanding Teaching. by *Wood, *Sharp.

House Joint Resolution No. 391 -- Memorials, Interns - Brandy Martin. by *Rhinehart, *Phelan, *Curtiss.

House Joint Resolution No. 392 -- Memorials, Death - Dwayne D. Maddox, Jr. of Huntingdon, former member of Tennessee General Assembly. by *Maddox.

House Joint Resolution No. 393 -- Memorials, Personal Achievement - Lauren Elise Briggance Simpson. by *Langster, *Naifeh, *DeBerry L, *Pruitt, *Garrett, *Briley, *Phillips, *Arriola, *Jones, S., *Odom.

Senate Joint Resolution No. 253 -- Memorials, Congratulations - St. George's Day School Chess Team. by *Norris.

Senate Joint Resolution No. 254 -- Memorials, Retirement - Judy Turner. by *Trail.

Senate Joint Resolution No. 256 -- Memorials, Academic Achievement - Kenda Johnson, Salutatorian, Westwood High School. by *Dixon.

Senate Joint Resolution No. 257 -- Memorials, Academic Achievement - Keleena Weatherall, Valedictorian, Westwood High School. by *Dixon.

Senate Joint Resolution No. 258 -- Memorials, Academic Achievement - Michael V. Hibler, Valedictorian, Whitehaven High School. by *Dixon.

Senate Joint Resolution No. 259 -- Memorials, Academic Achievement - Roby Green, Valedictorian, Oakhaven High School. by *Dixon.

Senate Joint Resolution No. 260 -- Memorials, Academic Achievement - Lashandra Johnson, Salutatorian, Oakhaven High School. by *Dixon.

Senate Joint Resolution No. 261 -- Memorials, Academic Achievement - Syneca Woods, Valedictorian, Fairley High School. by *Dixon.

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Senate Joint Resolution No. 262 -- Memorials, Academic Achievement - Tara Henry, Salutatorian, Fairley High School. by *Dixon.

Senate Joint Resolution No. 263 -- Memorials, Academic Achievement - Latoya R. Thomas, Salutatorian, Whitehaven High School. by *Dixon.

Senate Joint Resolution No. 265 -- Memorials, Academic Achievement - Ashley M. Doyle, Salutatorian, Hamilton High School. by *Dixon.

Senate Joint Resolution No. 266 -- Memorials, Academic Achievement - Sheena R. Smith, Valedictorian, Hamilton High School. by *Dixon.

Senate Joint Resolution No. 268 -- Memorials, Personal Achievement - Emmet P. Vaughn, Jr. and Linda Vaughn, Volunteers of America Award for outstanding service to Knoxville community. by *McNally.

Senate Joint Resolution No. 269 -- Memorials, Recognition - Nashville Rescue Mission. by *Harper, *Haynes.

Senate Joint Resolution No. 270 -- Memorials, Interns - Tony Carey. by *Haynes.

Senate Joint Resolution No. 272 -- Memorials, Recognition - Boy Scout Troop 101 of Kingston, 60th Anniversary. by *Davis L.

Senate Joint Resolution No. 273 -- Memorials, Academic Achievement - Michael H. King, Valedictorian, Sevierville High School. by *Clabough.

Senate Joint Resolution No. 274 -- Memorials, Academic Achievement - Clayton Rohman, Valedictorian, Sevier County High School. by *Clabough.

Senate Joint Resolution No. 275 -- Memorials, Academic Achievement - Jonathan Koerten, Valedictorian, Sevier County High School. by *Clabough.

Senate Joint Resolution No. 276 -- Memorials, Academic Achievement - Lora J. Price, Valedictorian, Sevier County High School. by *Clabough.

Senate Joint Resolution No. 277 -- Memorials, Academic Achievement - Crystal Hurst, Salutatorian, Sevier County High School. by *Clabough.

Senate Joint Resolution No. 278 -- Memorials, Interns - Benjamin Douglas Groce. by *Trail.

Senate Joint Resolution No. 279 -- Memorials, Recognition - David Youree Elementary School, "Parents as Partners". by *Trail.

Rep. Langster moved that all members voting aye on House Joint Resolution No. 393, be added as sponsors, which motion prevailed.

Rep. Kent moved that all members voting aye on House Resolution No. 89, be added as sponsors, which motion prevailed.

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Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR

House Bill No. 1126 -- Purchasing - Clarifies that exception to rule that commissioner must certify source of purchase goods applies to rules promulgated under general law provision authorizing such purchases without certification as well as to the specific general law provision; clarifies that rules must be promulgated in accordance with UAPA. Amends TCA Title 12. by *Head. (*SB893 by *Atchley)

Further consideration of House Bill No. 1126 previously considered on May 9, 2001, at which time it was reset for today's Calendar.

Rep. McCord moved that House Bill No. 1126 be reset for the Regular Calendar on May 23, 2001, which motion prevailed.

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***House Bill No. 295** -- Taxes - Authorizes counties to impose local option realty transfer tax. Amends TCA Title 67, Chapter 4, Part 5. by *Head, *Fitzhugh. (SB1235 by *Cooper J)

Further consideration of House Bill No. 295 previously considered on May 9, 2001, at which time it was reset for today's Calendar.

Rep. Head moved that House Bill No. 295 be reset for the Regular Calendar on May 24, 2001, which motion prevailed.

House Joint Resolution No. 158 -- Historical Sites and Preservation - Historical marker at site of Old Stone Bridge in Fayetteville. by *Phillips, *Fowlkes.

Rep. Phillips moved that House Resolution No. 158 be adopted.

Rep. Garrett moved adoption of Conservation and Environment Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Joint Resolution No. 158 by deleting the second clause of the preamble of the introduced resolution in its entirety and by substituting instead the following:

WHEREAS, The remains of the Old Stone Bridge that spanned the Elk River in Fayetteville is one such significant historic structure; and

AND FURTHER AMEND by deleting the resolving clauses of the introduced resolution in their entirety and by substituting instead the following language:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That the Tennessee Historical Commission is hereby directed to erect an appropriate historical marker commemorating the history of the Old Stone Bridge in Fayetteville, on the edge of the roadbed of the Old Stone Bridge Road at the approach to the remains of the Old Stone Bridge on the north shore of the Elk River.

BE IT FURTHER RESOLVED, That such marker shall contain the following language: "South of here are the remains of the Old Stone Bridge. Completed in 1861 near the site of The Great Indian Crossing, the bridge was of unique architectural design. It had six elliptical arches, a span of 450 feet, no keystone, and was one of only two bridges of this type in the United States and only one of six in the world. Limestone rock used in the construction of this one-lane bridge, utilized for more than 70 years, was quarried at a nearby site on the Elk River. After crossing this bridge in the fall of 1863, General William T. Sherman ordered its destruction. Inspired by its beauty, Major Byrd disobeyed the order, telling Sherman the Old Stone Bridge was of no military advantage to the Confederates. On February 1, 1969, after several days of heavy rain, the 108 year old bridge collapsed and fell into the Elk River."

BE IT FURTHER RESOLVED, That in addition, such appropriate elements of the history of the Old Stone Bridge as are contained in this resolution and any other significant history as deemed appropriate by the Tennessee Historical Commission and the Lincoln County Historical Society may be included on the marker.

BE IT FURTHER RESOLVED, That this resolution shall become operative only if Lincoln County, Tennessee, remits the estimated cost of the erection of such historical marker to the Tennessee Historical Commission within one (1) year of the effective date of this resolution. Lincoln County shall make such payment prior to any expenditure by the Tennessee Historical Commission for the manufacture or installation of such marker. The Tennessee Historical Commission shall return any unused portion of the estimated cost to Lincoln County within thirty (30) days of the erection of such marker. If the actual cost exceeds the estimated cost, Lincoln County shall remit an amount equal to the difference in such costs to the Tennessee Historical Commission within thirty (30) days of receiving an itemized invoice of the actual cost from the Tennessee Historical Commission.

BE IT FURTHER RESOLVED, That an enrolled copy of this resolution be transmitted to the Tennessee Historical Commission.

On motion, Conservation and Environment Committee Amendment No. 1 was adopted.

Rep. Garrett moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Joint Resolution No. 158 by deleting the second clause of the preamble of the introduced resolution in its entirety and by substituting instead the following:

WHEREAS, The remains of the Old Stone Bridge that spanned the Elk River in Fayetteville is one such significant historic structure; and

AND FURTHER AMEND by deleting the resolving clauses of the introduced resolution in their entirety and by substituting instead the following language:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That the Tennessee Historical Commission is hereby directed to erect an appropriate historical marker commemorating the history of the Old Stone Bridge in Fayetteville, on the edge of the roadbed of the Old Stone Bridge Road at the approach to the remains of the Old Stone Bridge on the north shore of the Elk River.

BE IT FURTHER RESOLVED, That such marker shall contain the following language: "South of here are the remains of the Old Stone Bridge. Completed in 1861 near the site of The Great Indian Crossing, the bridge was of unique architectural design. It had six elliptical arches, a span of 450 feet, no keystone, and was one of only two bridges of this type in the United States and only one of six in the world. Limestone rock used in the construction of this one-lane bridge, utilized for more than 70 years, was quarried at a nearby site on the Elk River. After crossing this bridge in the fall of 1863, General William T. Sherman ordered its destruction. Inspired by its beauty, Major Byrd disobeyed the order, telling Sherman the Old Stone Bridge was of no military advantage to the Confederates. On February 1, 1969, after several days of heavy rain, the 108 year old bridge collapsed and fell into the Elk River."

BE IT FURTHER RESOLVED, That in addition, such appropriate elements of the history of the Old Stone Bridge as are contained in this resolution and any other significant history as deemed appropriate by the Tennessee Historical Commission and the Lincoln County Historical Society may be included on the marker.

BE IT FURTHER RESOLVED, That an enrolled copy of this resolution be transmitted to the Tennessee Historical Commission.

On motion, Amendment No. 2 was adopted.

Rep. Phillips moved that **House Joint Resolution No. 158**, as amended, be adopted, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 227 -- Handgun Permits - Allows handgun carry permittee to possess handgun while within confines of building where alcoholic beverages are sold for off-premises consumption, so long as business does not prohibit such possession; possession on premises where alcoholic beverages sold for on-premises consumption still prohibited. Amends TCA Section 39-17-1305. by *Buck, *Godsey, *Todd, *Pleasant. (*SB193 by *Cohen, *Ramsey, *Miller J, *Carter)

On motion, House Bill No. 227 was made to conform with **Senate Bill No. 193**; the Senate Bill was substituted for the House Bill.

Rep. Buck moved that Senate Bill No. 193 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 227 by deleting SECTION 1 in its entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-1305, is amended by deleting subsection (a) in its entirety and substituting instead the following:

(a) It is an offense for a person to possess a firearm within the confines of a building open to the public where liquor, wine or other alcoholic beverages, as defined in § 57-3-101(a)(1)(A), or beer, as defined in § 57-6-102(1), are served for on-premises consumption.

Rep. Godsey moved the previous question on Amendment No. 1, which motion prevailed.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. West moved the previous question, which motion prevailed.

Rep. Buck moved that **Senate Bill No. 193**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	80
Noes	14
Present and not voting	1

Representatives voting aye were: Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Rinks, Roach, Rowland, Sargent, Scroggs, Sharp, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Williams, Windle, Wood, Mr. Speaker Naifeh -- 80.

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Representatives voting no were: Armstrong, Briley, Brooks, Brown, Cooper, DeBerry L, Head, McMillan, Miller, Sands, Shaw, Towns, Turner (Hamilton), Whitson -- 14.

Representatives present and not voting were: Jones S -- 1.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

House Bill No. 542 -- Pharmacy, Pharmacists - Provides for recoupment of payments made by health insurers and HMOs, including those participating in TennCare Program, to pharmacy services providers for care delivered to covered beneficiaries, insureds, or enrollees. Amends TCA Title 56 and Title 71. by *Rhinehart, *Shepard. (*SB527 by *McNally, *Jackson)

On motion, House Bill No. 542 was made to conform with **Senate Bill No. 527**; the Senate Bill was substituted for the House Bill.

Rep. Rhinehart moved that Senate Bill No. 527 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 2.

On motion, Rep. Kisber withdrew Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 3.

Rep. Arriola moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Arriola moved adoption of Amendment No. 5 as follows:

Amendment No. 5

AMEND Senate Bill No. 527 By adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____.

(a) Tennessee Code Annotated, Section 71-5-187, is amended by deleting subsection (d) in its entirety.

(b) If this section is held invalid, such invalidity shall not affect other provisions of this act which can be given effect without this section, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 5 was adopted.

Rep. Rhinehart moved that **Senate Bill No. 527**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes94

Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 1155 -- Bail, Bail Bonds - Requires bondsman to verify accuracy of address given by defendant for whom bail has been set; statement that address has been verified prerequisite to bounty hunter taking person into custody who has failed to appear in court; failure or negligence in verifying address results in bondsman and bounty hunter being jointly and severally liable for property damage, injury or death caused to third party by bounty hunter at given address. Amends TCA Title 40, Chapter 11, Part 3. by *Langster, *Head, *Jones U (Shelby). (*SB221 by *Dixon)

Rep. Langster moved that House Bill No. 1155 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1155 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-11-318, is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c) Before a bounty hunter takes into custody any person who has failed to appear in court, such bounty hunter shall comply with Section 40-11-401, make a good faith effort to verify the person's address, and present to the office of the appropriate law enforcement officer of the political subdivision where the taking will occur:

(1) A certified copy of the underlying criminal process against the defendant;

(2) A certified copy of the bond or capias;

(3) Proper credentials from a professional bondsman in Tennessee or another state verifying that the bounty hunter is an agent of a professional bondsman; and

(4) A pocket card certifying that the bounty hunter has completed the training required by this act or, if the bounty hunter is from a state other than Tennessee, proof that such bounty hunter successfully completed an equivalent amount of training in the bounty hunter's home state within the last year.

SECTION 2. Tennessee Code Annotated, Title 40, Chapter 11, Part 3, is amended by adding the following as a new section thereto:

Section 40-11-320. Before employing a bounty hunter to apprehend a defendant, a professional bail bondsman shall make a reasonable effort to verify the defendant's address.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Langster moved that **House Bill No. 1155**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes95
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 1567 -- Highway Signs - "Richard Boyd Bridge," Hardin Creek on U.S. 64 in Wayne County. by *Tidwell. (*SB1344 by *Wilder)

On motion, House Bill No. 1567 was made to conform with **Senate Bill No. 1344**; the Senate Bill was substituted for the House Bill.

Rep. Tidwell moved that Senate Bill No. 1344 be passed on third and final consideration.

Rep. Fowlkes moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1344 By adding the following new, appropriately designated section immediately preceding the effective date section:

SECTION ____.

(1) This act shall become operative only if Wayne County, Tennessee, either remits the estimated cost of the erection of such signs to the department of transportation within one (1) year of the effective date of this act or manufactures such signs in accordance with the provisions of subdivision (2). Wayne County shall make such payment prior to any expenditure by the state for manufacture or installation of such signs. The department shall return any unused portion of the estimated cost to Wayne County within thirty (30) days of the erection of such signs. If the actual cost exceeds the estimated cost, Wayne County shall remit an amount equal to the difference in such costs to the department within thirty (30) days of receiving an itemized invoice of the actual cost from the department.

(2) Wayne County may manufacture and erect such signs provided that such signs are manufactured and erected pursuant to state and federal guidelines and approved by the department.

On motion, Transportation Committee Amendment No. 1 was adopted.

Rep. Tidwell moved that **Senate Bill No. 1344**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Vincent, Walker, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

House Bill No. 1568 -- Highway Signs - "Mae Tom and Judge Russ Davidson Memorial Bridge," U.S. 64 over Hardin Creek in Wayne County. by *Tidwell. (*SB1340 by *Wilder)

On motion, House Bill No. 1568 was made to conform with **Senate Bill No. 1340**; the Senate Bill was substituted for the House Bill.

Rep. Tidwell moved that Senate Bill No. 1340 be passed on third and final consideration.

Rep. Fowlkes moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1340 By adding the following new, appropriately designated section immediately preceding the effective date section:

SECTION ____.

(1) This act shall become operative only if Wayne County, Tennessee, either remits the estimated cost of the erection of such signs to the department of transportation within one (1) year of the effective date of this act or manufactures such signs in accordance with the provisions of subdivision (2). Wayne County shall make such payment prior to any expenditure by the state for manufacture or installation of such signs. The department shall return any unused portion of the estimated cost to Wayne County within thirty (30) days of the erection of such signs. If the actual cost exceeds the estimated cost, Wayne County shall remit an amount equal to the difference in such costs to the department within thirty (30) days of receiving an itemized invoice of the actual cost from the department.

(2) Wayne County may manufacture and erect such signs provided that such signs are manufactured and erected pursuant to state and federal guidelines and approved by the department.

On motion, Transportation Committee Amendment No. 1 was adopted.

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Rep. Tidwell moved that **Senate Bill No. 1340**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes93
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Williams, Windle, Wunningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

***House Joint Resolution No. 196** -- Highway Signs - "Jake Morris Bridge," U.S. Highway 64 in Wayne County. by *Tidwell.

Rep. Tidwell moved that House Joint Resolution No. 196 be adopted.

Rep. Fowlkes moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Joint Resolution No. 196 By inserting the following new resolving clause immediately preceding the last resolving clause of the printed resolution:

BE IT FURTHER RESOLVED, That this resolution shall become operative only if Wayne County, Tennessee, either (1) remits the estimated cost of the erection of such signs to the Department of Transportation within one (1) year of the effective date of this resolution, or (2) manufactures and erects such signs pursuant to state and federal guidelines and as approved by the Department. If electing option (1), Wayne County shall make such payment prior to any expenditure by the state for manufacture or installation of such signs. The Department shall return any unused portion of the estimated cost to Wayne County within thirty (30) days of the erection of such signs. If the actual cost exceeds the estimated cost, Wayne County shall remit an amount equal to the difference in such costs to the Department within thirty (30) days of receiving an itemized invoice of the actual cost from the Department.

On motion, Transportation Committee Amendment No. 1 was adopted.

Rep. Tidwell moved that **House Joint Resolution No. 196**, as amended, be adopted, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 981 -- Pensions and Retirement Benefits - Allows employees in optional retirement programs to withdraw up to 50 percent of accumulated account balances upon retirement or termination of employee. Amends TCA Title 8, Chapter 35. by *Kent, *McMillan, *Pinion, *Bittle, *Maddox, *Hood, *Rhinehart, *Baird. (*SB322 by *McNally, *Trail, *Burks, *Atchley, *Crowe)

Rep. Kent requested that House Bill No. 981 be moved down 5 places on the Calendar.

***House Bill No. 1356** -- Fees - Increases permit fees for retail food stores, tattoo parlors, hotels, food service establishments, public swimming pools, bed and breakfasts, and organized camps over three-year period; conveys percentage of fees to state and county departments of health; creates advisory committee in regard to certain establishments. Amends TCA Title 53, Chapter 8, Title 62, Chapter 38, and Title 68, Chapters 14 and 110. by *McDaniel, *Davidson, *Kisber. (SB1633 by *Clabough, *Atchley)

On motion, House Bill No. 1356 was made to conform with **Senate Bill No. 1633**; the Senate Bill was substituted for the House Bill.

Rep. McDaniel moved that Senate Bill No. 1633 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1633 by deleting all language after the enacting clause and by substituting instead the following:

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SECTION 1. Tennessee Code Annotated, Section 53-8-214(a), is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) Retail food stores that contain within the premises a food service establishment that prepares potentially hazardous food shall pay a permit fee in accordance with the following schedule:

No. of Seats	July, 2001	July, 2002	July, 2003
0-50	\$100.00	\$150.00	\$210.00
51 and over	\$230.00	\$300.00	\$360.00

SECTION 2. Tennessee Code Annotated, Section 53-8-214(a), is further amended by deleting subdivision (2) in its entirety and by substituting instead the following:

(2) Retail food stores that contain within the premises a food service establishment which offers self-service foods and does not prepare potentially hazardous foods shall pay a permit fee of thirty-five (\$35.00) dollars; and

SECTION 3. Tennessee Code Annotated, Section 53-8-214(a), is further amended by deleting subdivision (3) in its entirety and by substituting the following:

(3) In addition to the fees in subdivisions (1) or (2), all retail food stores shall pay an annual permit fee in accordance with the following schedule.

July, 2001	July, 2002	July, 2003
\$25.00	\$40.00	\$50.00

SECTION 4. Tennessee Code Annotated, Section 53-8-214(a), is further amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b) If the permit fee is delinquent for more than thirty (30) calendar days, a penalty of one half (1/2) the permit fee shall be added thereto. If a check is returned for any reason, a penalty of one-half (1/2) the permit fee shall be added thereto. The permit fee plus any penalty must be paid before the permit is issued.

SECTION 5. Tennessee Code Annotated, Section 62-38-202 is amended by deleting in its entirety the last sentence in subsection (a), and by adding the following as new subsections thereto:

(j) A tattoo studio shall pay a permit fee according to the following schedule:

July, 2001	July, 2002	July, 2003
\$140.00	\$200.00	\$280.00

(k) If the permit fee is delinquent for more than thirty (30) calendar days, a penalty of one-half (1/2) the permit fee shall be added thereto. If a check is returned for any reason, a penalty of one-half (1/2) the permit fee shall be added thereto. The permit fee plus any penalty must be paid before the permit is issued.

(l) A percentage of permit fees, fines, and penalties collected within a contract county pursuant to Section 62-38-202 shall be conveyed by contract to the respective county health department to assist such county health department in implementing the program in the local jurisdiction. This amount shall be calculated based upon fees collected in the contract county during the state's fiscal year multiplied by the appropriate percentage in the table below. The percentage shall be according to the following schedule of fiscal years:

2001-2002	2002-2003	2003-2004 and thereafter
90%	92%	95%

SECTION 6. Tennessee Code Annotated, Section 62-38-204(c), is amended by deleting the last sentence in subsection (c) and by substituting instead following:

A tattoo artist, apprentice artist, and temporary artist shall pay an annual fee based on the following schedule:

July, 2001	July, 2002	July, 2003
\$70.00	\$100.00	\$140.00

SECTION 7. Tennessee Code Annotated, Section 62-38-204(i), is amended by deleting the last sentence in subsection (i) and by substituting instead the following:

A tattoo operator shall pay an annual fee based on the following schedule.

July, 2001	July, 2002	July, 2003
\$70.00	\$100.00	\$140.00

SECTION 8. Tennessee Code Annotated, Section 62-38-204 is further amended by deleting subsections (j) and (k) in their entirety and by substituting the following as a new subsection (j) and by redesignating the remaining subsection appropriately:

(j) All fees shall be paid to the commissioner. If any fee is delinquent for more than thirty (30) calendar days, a penalty of one-half (1/2) the fee shall be added thereto. If a check is returned for any reason, a penalty of one-half (1/2) the fee shall be added thereto. The permit fee plus any penalty must be paid before the permit is issued.

SECTION 9. Tennessee Code Annotated, Section 68-14-302 is amended by adding the following language as a new subdivision thereto:

(_) "Auxiliary food service operation" shall mean a designated area located within or adjacent to a food service establishment sharing common ownership and/or management and whose primary purpose is serving beverages. For determining the amount of the permit fee for the food service establishment associated with the auxiliary food service operation, all seating in the auxiliary food service operation shall be included in the seating count of the primary food service establishment.

SECTION 10. Tennessee Code Annotated, Section 68-14-303(7), is amended by deleting the word "and" at the end of subdivision (E); by deleting subdivision (F) in its entirety; and by adding the following language as new subdivisions to be designated as follows

(F) All permit fees, fines, and penalties shall be deposited directly into the state treasury;

(G) Beginning with fiscal year 2004-2005, all fees under this chapter shall be reviewed biennially to determine the appropriateness and amount relative to the overall cost of the program; and

SECTION 11. Tennessee Code Annotated, Section 68-14-303(7), is further amended by adding the following as a new subdivision (H):

(H)(i) A percentage of permit fees, fines, and penalties collected within a contract county pursuant to Sections 68-14-312 and 68-14-314 shall be conveyed by contract to the respective county health department to assist such county health department in implementing the program in the local jurisdiction. This amount shall be calculated based upon fees collected in the contract county during the state's fiscal year multiplied by the appropriate percentage in the table below. This percentage shall be according to the following schedule of fiscal years:

2001-2002	2002-2003	2003-2004 and thereafter
90%	92%	95%

(ii) After June 30, 2004, no contract county currently charging a local permit fee shall charge a local permit fee. Between July 1, 2001, and June 30, 2004, contract counties currently charging a local permit fee shall reduce the local permit fee by the same amount as the state's fee increase for each respective year. The amount of the local annual fee decrease shall be reduced by the amount necessary to offset the imbalance of the current local fees collected. By July 30 of each year, each contract county shall provide a report to the commissioner for the preceding fiscal year documenting the total cost relative to carrying out the provisions of the contract and the amount of state and local permit fees collected. The report shall be on a form provided by the commissioner.

SECTION 12. Tennessee Code Annotated, Section 68-14-304 is amended by deleting such section in its entirety and by substituting instead the following:

Section 68-14-304. All monies coming into the state treasury under this part from fees, fines, and penalties shall be appropriated to the department of health for the payment of necessary expenses incident to the administration of this part, as determined by the commissioner. Any unexpended balance of such fund in any fiscal year shall be retained by the department to be used to provide and/or expand training for food service operators and the department's environmentalists.

SECTION 13. Tennessee Code Annotated, Section 68-14-312 is amended by deleting subsections (a) and (b) in their entirety and by substituting instead the following:

(a) The permit fee to operate a hotel shall be in accordance with the following schedules:

No. of Rooms	July, 2001	July, 2002	July, 2003
1-50	\$100.00	\$130.00	\$170.00
51-150	\$180.00	\$240.00	\$320.00
151-250	\$280.00	\$380.00	\$500.00
251 and over	\$370.00	\$490.00	\$650.00

(b) If the permit fee is delinquent for more than thirty (30) calendar days, a penalty fee of one-half (1/2) the permit fee shall be added thereto. If a check is returned for any reason, a penalty of one-half (1/2) the permit fee shall be added thereto. Each permit fee plus any penalty must be paid before the permit is issued.

SECTION 14. Tennessee Code Annotated, Section 68-14-313(a), is amended by deleting subdivisions (1) and (2) in their entirety and by substituting the following:

(a) The permit fee to operate a food service establishment shall be in accordance with the following schedule.

(1)	No. of Seats	July, 2001	July, 2002	July, 2003
	0-50	\$100.00	\$150.00	\$210.00
	51 and over	\$230.00	\$300.00	\$360.00

(2) Auxiliary food service operations effective July, 2002.

July, 2002	July, 2003
\$70.00	\$100.00

SECTION 15. Tennessee Code Annotated, Section 68-14-313(a), is further amended by deleting subdivision (3) in its entirety and by substituting instead the following:

(3) Temporary food service establishments shall pay a permit fee of thirty dollars (\$30.00);

SECTION 16. Tennessee Code Annotated, Section 68-14-313 is further amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b) If the permit fee is delinquent for more than thirty (30) calendar days, a penalty of one-half (1/2) the permit fee shall be added thereto. If a check is returned for any reason, a penalty of one-half (1/2) the permit fee shall be added thereto. The permit fee plus any penalty must be paid before the permit is issued.

SECTION 17. Tennessee Code Annotated, Section 68-14-313 is further amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c) The permit shall be kept and displayed in a conspicuous manner, properly framed, and visually available to the public in the food service establishment for which it is issued.

SECTION 18. Tennessee Code Annotated, Section 68-14-314(a), is amended by deleting subdivisions (1) and (2) in their entirety and by substituting instead the following.

(a)(1) The permit fee to operate a public swimming pool shall be based on the following schedule.

July, 2001	July, 2002	July, 2003
\$150.00	\$220.00	\$340.00

(2) If the permit fee is delinquent for more than thirty (30) calendar days, a penalty of one-half (1/2) the permit fee shall be added thereto. If a check is returned for any reason, a penalty of one-half (1/2) the permit fee shall be added thereto. The permit fee plus any penalty must be paid to the commissioner before the permit is issued.

SECTION 19. Tennessee Code Annotated, Section 68-14-511 is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) The permit fee to operate a bed and breakfast establishment shall be based on the following schedule.

July, 2001	July, 2002	July, 2003
\$70.00	\$100.00	\$140.00

SECTION 20. Tennessee Code Annotated, Section 68-14-511 is further amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b) If the permit fee is delinquent for more than thirty (30) calendar days, a penalty of one-half (1/2) the permit fee shall be added thereto. If a check is returned for any reason, a penalty of one-half (1/2) the permit fee shall be added thereto. The permit fee plus any penalty must be paid to the commissioner before the permit is issued.

SECTION 21. Tennessee Code Annotated, Section 68-14-511(c), is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(c)(1) A percentage of permit fees, fines, and penalties collected within a contract county pursuant to this part shall be conveyed by contract to the respective county health department to assist such county health department in implementing the program in the local jurisdiction. This amount shall be calculated based upon fees collected in the contract county during the state's fiscal year multiplied by the appropriate percentage in the table below. The percentages shall be according to the following schedule of fiscal years.

2001-2002	2002-2003	2003-2004 and thereafter
90%	92%	95%

SECTION 22. Tennessee Code Annotated, Section 68-14-511 is amended by designating existing subdivision (c)(2) as new subsection (d).

SECTION 23. Tennessee Code Annotated, Section 68-110-103 is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c) The annual permit fee to operate an organized camp shall be in accordance with the following schedule. As used in this subsection, a travel campsite is a designated camping space which is equipped with utility connections.

Type of Camp	July, 2001	July, 2002	July, 2003
Day	\$60.00	\$70.00	\$80.00
Resident			
1-99 campers	\$ 60.00	\$ 70.00	\$ 80.00
100 or more campers	\$110.00	\$130.00	\$150.00
Travel			
1-25 camp sites	\$ 60.00	\$ 70.00	\$ 80.00
26-75 camp sites	\$ 80.00	\$100.00	\$120.00
76-150 camp sites	\$120.00	\$140.00	\$170.00
151-250 camp sites	\$180.00	\$200.00	\$230.00
251 or more camp sites	\$230.00	\$260.00	\$310.00
Primitive	\$ 60.00	\$ 70.00	\$ 80.00

SECTION 24. Tennessee Code Annotated, Section 68-110-103 is further amended by deleting subsection (d) in its entirety and by substituting instead the following:

(d) If the permit fee is delinquent for more than thirty (30) calendar days, a penalty of one-half (1/2) the permit fee shall be added thereto. If a check is returned for any reason, a penalty of one-half (1/2) the permit fee shall be added thereto. The permit fee plus any penalty must be paid to the commissioner before the permit is issued.

(e) The permit shall be kept and displayed in a conspicuous manner, properly framed, at the organized camp for which it was issued.

(f)(i) A percentage of permit fees, fine, and penalties collected within a contract county pursuant to this part shall be conveyed by contract to the respective county health department to assist such county health department in implementing the program in the local jurisdiction. This amount shall be calculated based upon fees collected in the contract county during the state's fiscal year multiplied by the appropriate percentage in the table below. The percentages shall be according to the following schedule of fiscal years.

2001-2002	2002-2003	2003-2004 and thereafter
90%	92%	95%

(ii) After June 30, 2004, no contract county currently charging a local permit fee shall charge a local permit fee. Between July 1, 2001, and June 30, 2004, contract counties currently charging a local permit fee shall reduce the local permit fee by the same amount as the state's fee increase. The amount of the local annual fee decrease shall be reduced by the amount necessary to offset the imbalance of the current local fees collected. By July 30 of each year, each contract county shall provide a report to the commissioner for the preceding fiscal year documenting the total cost relative to carrying out the provisions of the contract and the amount of state and local permit fees collected. The report shall be on a form provided by the commissioner.

SECTION 25. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Health and Human Resources Committee Amendment No. 1 was adopted.

Rep. McDaniel moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 1633 by deleting the first sentence of subparagraph (H)(i) of Section 11 and by substituting instead the following:

(H)(i) A percentage of permit fees collected within a contract county pursuant to Tennessee Code Annotated, Sections 68-14-312 through Section 68-14-314 shall be conveyed by contract to the respective county health department to assist such county health department in implementing the program in the local jurisdiction.

On motion, Amendment No. 2 was adopted.

Rep. Turner (Hamilton) moved the previous question, which motion prevailed.

Rep. McDaniel moved that **Senate Bill No. 1633**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	69
Noes	11
Present and not voting	10

Representatives voting aye were: Armstrong, Arriola, Baird, Black, Boyer, Briley, Brooks, Brown, Buck, Buttry, Caldwell, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Fitzhugh, Ford, Fraley, Givens, Hood, Jones S, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Davidson), Vincent, Walker, White, Whitson, Williams, Wood, Mr. Speaker Naifeh -- 69.

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Representatives voting no were: Bone, Chumney, Clem, Garrett, Goins, Hargrove, McDonald, Turner (Shelby), West, Windle, Winningham -- 11.

Representatives present and not voting were: Beavers, Bowers, Bunch, Cooper, Fowlkes, Hagood, Hargett, Harwell, Odom, Towns -- 10.

A motion to reconsider was tabled.

House Bill No. 1235 -- Licenses - Requires persons licensed to practice medicine to complete 40 hours of continuing medical education every two years; board of medical examiners to promulgate rules, and address variances for hardship, illness, and initial year of licensure. Amends TCA Title 63, Chapter 6. by *Caldwell. (*SB1362 by *Jackson)

Rep. Caldwell moved that House Bill No. 1235 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1235 by deleting the amendatory language of Section 1 and by substituting instead the following language:

Section 63-6-232.

(a) Any person licensed to practice medicine in this state shall complete continuing medical education as required by the board of medical examiners. The board of medical examiners may establish waivers from such continuing medical education requirements and exemptions for certain licensees through rules and regulations.

(b) The board of medical examiners shall establish the continuing medical educational requirements, waivers and exemptions through rules and regulations promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

On motion, Government Operations Committee Amendment No. 1 was adopted.

Rep. Caldwell moved that **House Bill No. 1235**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 1411** -- Insurance, Health, Accident - Expands special enrollment periods under Health Insurance Portability, Availability and Renewability Act requiring group health insurers and plans to permit employees to enroll for coverage under employer's group health insurance policy or plan when other coverage is lost, to include an employee and dependent who are no longer eligible for TennCare. Amends TCA Title 56-7-2803. by *Hargett, *Boyer, *Pleasant. (SB1689 by *Atchley, *Clabough)

On motion, House Bill No. 1411 was made to conform with **Senate Bill No. 1689**; the Senate Bill was substituted for the House Bill.

Rep. Hargett moved that Senate Bill No. 1689 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Hargett moved that **Senate Bill No. 1689** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes96
Noes.....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

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***House Bill No. 572** -- Education - Requires prior approval of general assembly before special education folders may be modified. Amends TCA Title 49, Chapter 10. by *Bunch, *Pleasant. (SB934 by *McNally)

Rep. Bunch moved that House Bill No. 572 be reset for the Regular Calendar on May 23, 2001, which motion prevailed.

***House Bill No. 573** -- Courts, General Sessions - Provides that if there are multiple defendants or plaintiffs in case before general sessions court and one defendant or plaintiff appeals adverse decision, it is considered appeal by all defendants or plaintiffs and all are properly before circuit court. Amends TCA Title 16, Chapter 15 and Title 27, Chapter 5. by *Bunch. (SB857 by *Norris)

Rep. Bunch moved that House Bill No. 573 be reset for the Regular Calendar on May 23, 2001, which motion prevailed.

House Bill No. 981 -- Pensions and Retirement Benefits - Allows employees in optional retirement programs to withdraw up to 50 percent of accumulated account balances upon retirement or termination of employee. Amends TCA Title 8, Chapter 35. by *Kent, *McMillan, *Pinion, *Bittle, *Maddox, *Hood, *Rhinehart, *Baird. (*SB322 by *McNally, *Trail, *Burks, *Atchley, *Crowe)

Further consideration of House Bill No. 981 previously considered on today's Calendar.

On motion, House Bill No. 981 was made to conform with **Senate Bill No. 322**; the Senate Bill was substituted for the House Bill.

Rep. Kent moved that Senate Bill No. 322 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Council on Pensions and Insurance Committee Amendment No. 1.

Rep. Kent moved that **Senate Bill No. 322** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odum, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

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Representatives voting no were: Kernell -- 1.

A motion to reconsider was tabled.

***House Bill No. 1395** -- Labor - Classifies child labor law violations in regard to minor under age 14 and youth peddling as Class D felonies; authorizes fine of \$1,000 to \$10,000 for hiring minor under 14; removes baptismal certificate as proof of age for minor in employment. by *Baird, *McDaniel. (SB1672 by *Clabough, *Atchley)

Rep. Baird moved that House Bill No. 1395 be reset for the Regular Calendar on May 23, 2001, which motion prevailed.

***House Bill No. 524** -- Juvenile Offenders - Requires department of children's services to report on child sexual abuse to house and senate judiciary committees, house children and family affairs committee, and select committee on children and youth by January 15 each year; adds house children and family affairs committee to those receiving department's annual report. Amends TCA Title 37, Chapter 5 and Title 37, Chapter 1. by *Chumney. (SB984 by *Haynes)

Rep. Chumney moved that House Bill No. 524 be passed on third and final consideration.

Rep. J. DeBerry moved adoption of Children and Family Affairs Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 524 by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION 3. Tennessee Code Annotated, Section 37-1-612(c), is amended by deleting the word "and" at the end of subdivision (4), by adding the following as a new subdivision immediately preceding the last subdivision and by renumbering the subsequent subdivision accordingly:

(5) An attorney or next friend who is authorized to act on behalf of the child who is the subject of the records, for the purpose of recovering damages or other remedies authorized by law in a civil cause of action against the perpetrator or other person or persons who may be responsible for the actions of the perpetrator; and

SECTION 4. Section 3 shall apply to any investigation and any civil cause of action pending or filed on or after the effective date of this act.

On motion, Children and Family Affairs Committee Amendment No. 1 was adopted.

Rep. Chumney moved that **House Bill No. 524**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Rinks, Roach, Rowland, Sands, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 1796 -- Message - Revises license requirements for massage therapists to accept competency examinations approved by massage licensure board; deletes grandfather licensure provisions. Amends TCA Title 63, Chapter 18, Part 2. by *Arriola. (*SB1196 by *Cooper J)

On motion, House Bill No. 1796 was made to conform with **Senate Bill No. 1196**; the Senate Bill was substituted for the House Bill.

Rep. Arriola moved that Senate Bill No. 1196 be passed on third and final consideration.

On motion, Rep. Armstrong withdrew Health and Human Resources Committee Amendment No. 1.

Rep. Arriola moved that **Senate Bill No. 1196** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Rinks, Roach, Rowland, Sands, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 244** -- Human Rights - Specifies civil penalties under THRA relative to print media engaged in discriminatory practices; current remedies not to apply to print media. Amends TCA Title 4, Chapter 21. by *Williams (Williamson). (SB347 by *Cooper J)

Rep. Williams moved that House Bill No. 244 be reset for the Regular Calendar on May 24, 2001, which motion prevailed.

House Bill No. 847 -- Highway Signs - Williamson County Agriculture Center, I-65 at S.R. 96 in Williamson County. by *Williams (Williamson). (*SB1358 by *Haynes)

On motion, House Bill No. 847 was made to conform with **Senate Bill No. 1358**; the Senate Bill was substituted for the House Bill.

Rep. Williams moved that Senate Bill No. 1358 be passed on third and final consideration.

Rep. Fowlkes moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1358 By deleting Section 1 in its entirety and by substituting instead the following:

SECTION 1. Notwithstanding any other provision of law to the contrary, the department of transportation shall erect and maintain directional signs for the Williamson County Agricultural Exposition Center on Interstate Highway 65 at the appropriate exit both northbound and southbound in Williamson County. Such signs shall bear the following language:

Williamson County Agricultural Exposition Center
Home of Franklin Rotary Club Rodeo

AND FURTHER AMEND by deleting Section 4 in its entirety and by substituting instead the following:

SECTION 4. (1) This act shall become operative only if Williamson County, Tennessee, either remits the estimated cost of the erection of such signs to the department of transportation within one (1) year of the effective date of this act or manufactures such signs in accordance with the provisions of subdivision (2). Williamson County shall make such payment prior to any expenditure by the state for manufacture or installation of such signs. The department shall return any unused portion of the estimated cost to Williamson County within thirty (30) days of the erection of such signs. If the actual cost exceeds the estimated cost, Williamson County shall remit an amount equal to the difference in such costs to the department within thirty (30) days of receiving an itemized invoice of the actual cost from the department.

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(2) Williamson County may manufacture and erect such signs provided that such signs are manufactured and erected pursuant to state and federal guidelines and approved by the department.

On motion, Transportation Committee Amendment No. 1 was adopted.

Rep. Williams moved that **Senate Bill No. 1358**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes95
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 917 -- Sunset Laws - Eden alternative grant assistance program, June 30, 2003. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 11. by *Kernell, *Brooks, *Cooper B. (*SB49 by *Harper)

On motion, House Bill No. 917 was made to conform with **Senate Bill No. 49**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 49 be passed on third and final consideration.

Rep. Cooper moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 49 By deleting Section 2 of the printed bill in its entirety.

On motion, Government Operations Committee Amendment No. 1 was adopted.

Rep. Williams moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 49 By adding the following as a new, appropriately designated section immediately preceding the effective date section:

SECTION ____ Tennessee Code Annotated, Section 68-11-832(c), is amended by deleting subdivision (5) in its entirety and adding a new subdivision as follows:

(5) No more than sixty thousand dollars (\$60,000) shall be expended from the nursing home protection trust fund in any fiscal year to finance the program authorized by this section. No more than fifty thousand dollars (\$50,000) shall be expended from that sum in any fiscal year to finance the facility grant assistance program authorized by this section. No more than ten thousand dollars (\$10,000) shall be expended from that sum in any fiscal year to finance education and research activities conducted by the Eden Alternative Coalition in conjunction with the department.

On motion, Amendment No. 2 was adopted.

Rep. Kernell moved that **Senate Bill No. 49**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes95
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 1548** -- Loan Companies and Short Term Lenders - Requires thumbprint of pledgor, if pledgor has thumb, to be made part of pawnshop transaction record in Shelby County; if thumb amputated, then such other fingerprint as required by pawnbroker shall be taken and described on record. Amends TCA Section 45-6-209. by *Jones U (Shelby), *DeBerry J, *Miller L. (SB1801 by *Dixon)

Rep. U. Jones moved that House Bill No. 1548 be reset for the Regular Calendar on May 24, 2001, which motion prevailed.

House Bill No. 1672 -- Education - Authorizes LEAs to enter into contracts with non-profit organizations for courses for which no state board approved teaching endorsements exist. Amends TCA Title 49, Chapter 6, Part 12. by *Shepard. (*SB1743 by *Jackson)

Further consideration of House Bill No. 1672 previously considered on May 16, 2001, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

On motion, House Bill No. 1672 was made to conform with **Senate Bill No. 1743**; the Senate Bill was substituted for the House Bill.

Rep. Shepard moved that Senate Bill No. 1743 be passed on third and final consideration.

Rep. Brooks moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1743 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. No expenditure of public funds pursuant to this act shall be made in violation of the provisions of Title VI of the Civil Rights Act of 1964, as codified in 42 United States Code 2000d.

On motion, Amendment No. 1 was adopted.

Rep. Shepard moved that **Senate Bill No. 1743**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odum, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

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House Bill No. 1614 -- Sunset Laws - Judicial selection commission, June 30, 2007; limits members to two terms. Amends TCA Title 4, Chapter 29 and Title 17, Chapter 4. by *Kernell, *Brooks, *Cooper B. (*SB40 by *Harper)

Further consideration of House Bill No. 1614 previously considered on May 16, 2001, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

Rep. Brooks moved that House Bill No. 1614 be reset for the Regular Calendar on May 21, 2001, which motion prevailed.

House Bill No. 1531 -- Bonds and Undertakings, Regulation of - Revises various provisions concerning issuance of public bonds and notes. Amends TCA Title 4, Chapter 31; Title 7, Chapter 34; Title 7, Chapter 82; Title 9, Chapter 21; Title 12, Chapter 10; Title 13, Chapter 23; and Title 49, Chapter 3. by *Kisber. (*SB1328 by *Henry)

Further consideration of House Bill No. 1531 previously considered on May 16, 2001, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

On motion, House Bill No. 1531 was made to conform with **Senate Bill No. 1328**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that **Senate Bill No. 1328** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 875 -- Insurance, Health, Accident - Enacts "Access to Health Carriers' Payment Policies, Rules and Fee Schedules Act." Amends TCA Title 56. by *Kisber, *Jones, S.. (*SB333 by *Clabough)

Further consideration of House Bill No. 875 previously considered on May 10, 2001, May 14, 2001 and May 16, 2001, at which time it was reset for today's Calendar.

Rep. Kisber requested that House Bill No. 875 be moved to the heel of the Message Calendar.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 1387** -- Physicians and Surgeons - Authorizes licensing boards to discipline health care and emergency medicine licensees for offenses in other states that could be disciplined if committed in Tennessee. Amends TCA Section 63-1-120 and Section 68-140-511. by *Boyer, *Ford S. (SB1664 by *Fowler, *Clabough)

Senate Amendment No. 2

AMEND House Bill No. 1387 by deleting the phrase "or territory" wherever it appears in Sections 2 and 3 of the printed bill.

Rep. Boyer moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 1387**, which motion prevailed by the following vote:

Ayes	94
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: DeBerry L -- 1.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1469 -- Health Care - Deletes requirement that certified midwives order pre-birth laboratory analysis. Amends TCA Section 63-29-115. by *Hargett. (*SB1432 by *Person)

Senate Amendment No. 1

AMEND House Bill No. 1469 By deleting Section 1 in its entirety and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 63-29-115(c), is amended by deleting the subsection in its entirety and by substituting instead the following:

(c) For screening purposes only, the CPM-TN may order routine antepartal and postpartal laboratory analysis to be performed by a licensed laboratory. Abnormal findings would require a consultation with a physician.

Rep. Hargett moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1469**, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1529 -- Liens - Enacts "Perfection, Priority And Enforcement of Public Pledges And Liens Act." Amends TCA Title 9 and Title 47. by *Kisber. (*SB1330 by *Henry)

Senate Amendment No. 1

AMEND House Bill No. 1529 by deleting all the language after the enacting clause of the printed bill and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 9, is amended by adding the following as a new Chapter 22 thereof:

CHAPTER 22 – PERFECTION, PRIORITY AND ENFORCEMENT OF PUBLIC PLEDGES AND LIENS

9-22-101. Short Title.

This Chapter may be cited as the "Perfection, Priority and Enforcement of Public Pledges and Liens Act."

9-22-102. Intent.

It is the intent and purpose of this chapter to clarify the statutory framework governing the perfection, priority and enforcement of pledges and liens made or granted in connection with the issuance of public obligations, and to preserve the customary practices with respect to these matters that have developed in the State of Tennessee among issuers and purchasers of public obligations. This chapter provides a uniform and comprehensive statutory framework governing the perfection, priority and enforcement of pledges and liens created by certain state and local governments, governmental entities, agencies and instrumentalities in connection with their issuance of debt obligations, and specifies the extent to which the perfection, priority and enforcement of such pledges and liens are excluded from the provisions of Title 47, Chapter 9, Tennessee Code Annotated. If any statute of this state, other than Title 47, Chapter 9, Tennessee Code Annotated, imposes or authorizes a pledge or lien relating to any public obligations, then (a) that statute, (b) any official action entered into or adopted pursuant thereto, and (c) this chapter, to the extent not in conflict with the foregoing, shall in all respects govern the creation, perfection, priority and enforcement of such pledges and liens, and Title 47, Chapter 9, Tennessee Code Annotated shall not govern such matters.

9-22-103. Definitions.

In this chapter:

Except as provided in the following sentence, the term "collateral" means any revenues, operating income, fees, rents, tolls or other charges received or receivable by an issuer from any public works project or otherwise, rights to payment and other rights under agreements, rights to and receipts of tax collections and revenues, rights to and receipts of grants or contributions, any funds, monies or accounts, and any other personal property that an issuer is authorized to pledge to, or grant a lien on to secure, the payment of a public obligation, excluding any "goods," as such term is defined in Section 47-9-102(a)(44), Tennessee Code Annotated. In the case of public corporations incorporated under Title 7, Chapter 82 or Chapter 86, Tennessee Code Annotated, the term "collateral" includes, in addition to the foregoing, all other property, real and personal, including "goods," as such term is defined in Section 47-9-102(a)(44), Tennessee Code Annotated, comprising the systems owned and operated by such corporations.

"Issuer" means the state of Tennessee, authorities and agencies of the state of Tennessee and all political subdivisions and public instrumentalities of the state of Tennessee, including, without limitation, cities; towns; metropolitan governments; counties; authorities; districts; public corporations; authorities, agencies and instrumentalities of the foregoing; and other public entities. Notwithstanding the foregoing, for purposes of this chapter, the term "issuer" shall not include public corporations incorporated under Tennessee Code Annotated Title 7, Chapter 53, or Title 48, Chapter 101, Part 3.

"Official actions" means the actions, by statute, order, ordinance, charter, resolution, contract or other authorized means, by which an issuer provides for issuance of a public obligation.

"Public obligation" means an agreement of an issuer to pay principal and any interest thereon, whether in the form of a contract to repay borrowed money, a lease, an installment purchase agreement or otherwise, and includes a share, participation or other interest in any such agreement.

9-22-104. Perfection of Pledges or Liens.

The grant of a pledge or the creation of a lien on collateral by an issuer, which grant or creation is otherwise authorized under the provisions of Tennessee law, shall be valid and binding from the time that the pledge or lien is created or granted and shall inure to the benefit of the holder or holders of the public obligations with respect to which such pledge or lien was created or granted until the payment in full of the principal thereof and premium and interest thereon, and neither the official action nor any other instrument granting, creating, or giving notice of the pledge or lien need be publicly filed or recorded to preserve, protect or perfect the validity or priority of such pledge or lien.

9-22-105. Priority of Pledges or Liens.

Public obligations evidenced by multiple bonds, notes, certificates or other instruments of the same issue shall be equally and ratably secured, without priority by reason of number, date, date of sale, date of execution or date of delivery, by any pledge or lien created or granted on collateral to secure the payment thereof, unless otherwise provided by the official action authorizing such public obligations.

Any pledge or lien on collateral created or granted by an issuer shall be junior in priority to pledges, liens and other security interests created or granted prior to the date such pledge or lien is created or granted, unless otherwise provided by the official action authorizing such obligations.

9-22-106. Enforcement of Pledges or Liens.

The manner in which the holder or holders of public obligations may enforce the pledge or lien created by an issuer with respect thereto shall be governed by the provisions of Tennessee law authorizing the creation of such pledge or lien, and, subject to such provisions of Tennessee law, the terms of the official action authorizing such public obligations.

9-22-107. Impairment of Contract.

Nothing in this chapter shall be deemed in any way to alter the terms of any agreements made with the holders of any public obligations of an issuer or to authorize an issuer to alter the terms of any such public obligations, or to impair, or to authorize any issuer to impair, the rights and remedies of any creditors of any issuer.

9-22-108. Supplementary Nature.

The provisions of this chapter shall be in addition to and supplemental to all other provisions of other laws of Tennessee; provided, that wherever the application of the provisions of this chapter conflict with the application of such other provisions, such other provisions shall prevail.

SECTION 2. Tennessee Code Annotated Section 47-9-109(c)(2) is hereby amended by deleting the semicolon at the end thereof and inserting in lieu thereof the following:

“, including, but not limited to, Title 9, Chapter 22, Tennessee Code Annotated;”

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared severable.

SECTION 4. This act takes effect July 1, 2001, the public welfare requiring it; provided that this act shall apply to any transaction within its scope, even if the transaction was entered into or created before this act takes effect. Notwithstanding the foregoing, the application of the provisions of this chapter shall not affect the rights of holders of public obligations issued under the provisions of Tennessee Code Annotated, Title 9, Chapter 21, as amended, to the extent that their relative priorities were intended to be fixed by reference to any other provision of law prior to May 22, 1991.

Rep. Kisber moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1529**, which motion prevailed by the following vote:

Ayes	94
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odum, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Chumney -- 1.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1633 -- Hospitals and Health Care Facilities - Establishes AIDS centers of excellence advisory committee. Amends TCA Title 68. by *Bowers, *Arriola, *Langster, *Pruitt. (*SB681 by *Ford J)

Senate Amendment No. 1

AMEND House Bill No. 1633 by deleting the word "The" and by adding the following language to the amendatory language of Section 1(a), immediately before the words "commissioner shall":

Subject to annual appropriations made available to the state by the United States Public Health Service through Part B (Title II) of the Ryan White CARE Act (42 U.S.C. §§300ff-21 through-et seq.), the

AND FURTHER AMEND by adding the following language at the end of subsection (a) of the amendatory language of Section 1:

If, in any fiscal year, federal funding for the committee is eliminated or reduced, then such committee shall cease to exist in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 29.

Rep. Bowers moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1633**, which motion prevailed by the following vote:

Ayes93
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 1738** -- County Government - Requires legislative body of Shelby County to adopt enforceable financial policy limiting amount and type of debt; policy to be adopted within one year of effective date of this act. Amends TCA Title 5, Chapter 1, Part 2. by *Chumney. (SB1850 by *Norris)

Senate Amendment No. 1

AMEND House Bill No. 1738 by deleting in its entirety the amendatory language of Section 1 and by substituting instead the following language.

Section 5-1-215. The county legislative body of any county having a charter form of government which has a population in excess of eight hundred thousand (800,000), according to the 1990 federal census or any subsequent federal census, shall adopt a financial policy establishing guidelines and goals in regard to the amount and type of debt issued by or on behalf of such county. Such policy shall be adopted within one (1) year from the effective date of this act.

Rep. Chumney moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1738**, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

House Bill No. 799 -- Commerce and Insurance, Dept. of - Enacts "Charitable Gift Annuities Exemption Act." Amends TCA Title 56, Chapter 52, Part 1. by *Fitzhugh, *Hood, *Maddox. (*SB932 by *McNally, *Herron, *Williams)

Rep. Fitzhugh moved that the House refuse to recede from its action in nonconcurring in Senate Amendment(s) No(s). 2 to **House Bill No. 799**, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED
ON HOUSE BILL NO. 799**

Pursuant to **Rule No. 73**, Representative Fitzhugh moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on House Bill No. 799, which motion prevailed.

The Speaker appointed Representatives Fitzhugh, Cole (Dyer) and Overbey as the House members of the Conference Committee on House Bill No. 799.

HOUSE ACTION ON SENATE MESSAGE

House Bill No. 1267 -- Forest and Forest Products - Prohibits clear cutting in Standing Stone State Park. Amends TCA Title 11. by *Windle. (*SB281 by *Davis L, *Burks, *Williams)

Rep. Windle moved that House Bill No. 1267 be reset for the Message Calendar on May 24, 2001, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 257** -- Death - Authorizes registered nurse in nursing home to certify death if death was expected and physician issues death certificate. Amends TCA Section 68-3-511. by *Garrett. (SB521 by *Henry)

Senate Amendment No. 1

AMEND House Bill No. 257 by designating Section 2 of the printed bill as Section 3, and by adding a new Section 2 as follows:

SECTION 2. Tennessee Code Annotated, Section 68-3-511, is amended by adding the following new subsection (c):

(c) A registered nurse may make the actual determination and pronouncement of death under the following circumstances:

(1) The deceased was receiving the services of a licensed home care organization;

(2) Death was anticipated, and the attending physician has agreed in writing to sign the death certificate. Such agreement by the attending physician must be present with the deceased at the place of death;

(3) The nurse is licensed by the state; and

(4) The nurse is employed by the home care organization providing services to the deceased.

Rep. Garrett moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 257**, which motion prevailed by the following vote:

Ayes	93
Noes	0
Present and not voting	3

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Davidson), Vincent, Walker, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: DeBerry L, Jones U, Turner (Shelby) -- 3.

A motion to reconsider was tabled.

REGULAR CALENDAR, CONTINUED

House Bill No. 875 -- Insurance, Health, Accident - Enacts "Access to Health Carriers' Payment Policies, Rules and Fee Schedules Act." Amends TCA Title 56. by *Kisber, *Jones, S.. (*SB333 by *Clabough)

Further consideration of House Bill No. 875 previously considered on today's Calendar.

Rep. Kisber moved that House Bill No. 875 be reset for the Regular Calendar on May 21, 2001, which motion prevailed.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 75: Rep(s). Tindell as first prime sponsor(s).

House Bill No. 708: Rep(s). Overbey as prime sponsor(s).

House Bill No. 779: Rep(s). Pleasant as prime sponsor(s).

House Bill No. 782: Rep(s). Pruitt as prime sponsor(s).

House Bill No. 817: Rep(s). Langster as prime sponsor(s).

House Bill No. 884: Rep(s). Langster as prime sponsor(s).

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House Bill No. 1162: Rep(s). Pleasant as prime sponsor(s).

House Bill No. 1168: Rep(s). Pleasant as prime sponsor(s).

House Bill No. 1243: Rep(s). Fitzhugh as prime sponsor(s).

House Bill No. 1385: Rep(s). Pruitt as prime sponsor(s).

House Bill No. 1507: Rep(s). White as prime sponsor(s).

House Bill No. 1508: Rep(s). White as prime sponsor(s).

House Bill No. 1555: Rep(s). Pleasant as prime sponsor(s).

MESSAGE FROM THE SENATE

May 17, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 38, 125, 273, 852, 1020, 1103, 1173, 1473, 1640, 1841; also, Senate Joint Resolution(s) No(s). 249, 250 and 310 for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

SIGNED

May 17, 2001

The Speaker signed the following: Senate Bill(s) No(s). 38, 125, 273, 852, 1020, 1103, 1173, 1473, 1640, 1841; also, Senate Joint Resolution(s) No(s). 249, 250, 252 and 310.

MESSAGE FROM THE SENATE

May 17, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1955, 1999, 2003, 2004, 2007, 2008, 2009 and 2010; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

May 17, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 623; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

May 17, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 289, 869 and 872; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

May 17, 2001

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 28; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

May 17, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 705 and 1685; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

May 17, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1372; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

May 17, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1896; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

May 17, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1651; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

May 17, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1382; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

ENGROSSED BILLS

May 17, 2001

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 524, 1155, 1235, also, House Joint Resolution(s) No(s). 158, 196, 388, 390, 391, 392 and 393.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 17, 2001

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 180; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

May 17, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 110; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

***Senate Joint Resolution No. 110** -- Constitutional Amendments - Adds provision stating any right to abortion is only as is protected under U.S. Constitution as interpreted by U.S. Supreme Court from time to time and that nothing in Constitution shall be interpreted to require that any state funds be appropriated to fund or pay for abortion. by *Fowler, *Miller J, *Jackson, *Person, *Burks, *Atchley, *Carter, *Burchett, *Blackburn, *Crowe, *Davis L, *Elsea, *Henry, *Norris, *Ramsey, *Williams.

MESSAGE FROM THE SENATE
May 17, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 348, 463, 1291, 1601, 1624, 1744 and 1771; all passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

***Senate Bill No. 348** -- Taxes - Increases state sales tax by one-half cent effective July 1, 2001; repeals all state taxes effective July 1, 2003. Amends TCA Title 3; Title 4; Title 7; Title 8; Title 9; Title 11; Title 16; Title 18; Title 20; Title 29; Title 30; Title 31; Title 32; Title 35; Title 36; Title 38; Title 39; Title 40; Title 43; Title 45; Title 47; Title 48; Title 49; Title 50; Title 54; Title 55; Title 56; Title 57; Title 60; Title 61; Title 62; Title 63; Title 64; Title 65; Title 66; Title 67; Title 68; Title 70 and Title 71. by *Cooper J. *Clabough. (HB1778 by *Rinks, *Fitzhugh)

***Senate Bill No. 463** -- Taxes, Soft Drinks - Excludes manufacturers or bottlers of bottled water from bottlers' gross receipts tax. Amends TCA Section 67-4-402. by *Rochelle. (HB1755 by *Kisber, *Boyer, *Rinks, *Whitson, *McDaniel, *Lewis, *McMillan, *Williams (Williamson), *Langster, *Turner (Shelby), *Cole (Dyer), *Sands)

***Senate Bill No. 1291** -- Medical Occupations - Specifies that upon submission of application and appropriate fees, emergency medical services license to be issued if applicant is Tennessee resident, is employed by service operating in Tennessee, or is non-resident licensed in another state, in good standing, if applicant's state of residence grants same or similar reciprocity privileges to Tennessee residents licensed and in good standing. Amends TCA Title 68, Chapter 140, Part 5. by *Cooper J. (HB1339 by *Shepard)

***Senate Bill No. 1601** -- Equalization Board - Requires county boards of equalization to elect vice chairs. Amends TCA Title 67. by *Ford J. (HB1724 by *DeBerry L)

***Senate Bill No. 1624** -- Hospitals and Health Care Facilities - Gives private act hospital authority same exemption as metropolitan hospital authority has from payment of state taxes or fees and from payment of all county and municipal taxes; includes same requirement to pay county and municipal fees; authority may agree to payment of tax equivalents to creating or participating governing authority or entity. by *Clabough. (HB1590 by *Rinks)

***Senate Bill No. 1744** -- Tennessee Bureau of Investigation - Confers upon TBI jurisdiction to investigate all cases of fraud against Social Security Administration Title II and Title XVI disability programs without request from district attorney general. Amends TCA Section 38-6-102. by *Jackson, *Haynes. (HB1775 by *McMillan)

Senate Bill No. 1771 -- Dentists - Revises board of dentistry to delete surgeon member and add dentist member instead; authorizes board to set fees and civil penalties; authorizes board to assess punishment of dental practitioners who are disciplined by another state for violations of dentistry standards. Amends TCA Title 63, Chapter 5. by *Person. (*HB1492 by *McMillan)

MESSAGE FROM THE GOVERNOR

May 17, 2001

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 312, 313, 314, 315, 316, 317, 318, 319, 320, 322, 323, 325, 326, 328, 329, 331, 334, 336 and 338, with his approval.

JAY BALLARD, Counsel to the Governor.

ENROLLED BILLS

May 17, 2001

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 257, 289, 705, 869, 872, 1372, 1382, 1387, 1469, 1529, 1633, 1685, 1738, 1955, 1999, 2003, 2004, 2007, 2008, 2009, 2010; House Joint Resolution(s) No(s). 28, 180; also, House Resolution(s) No(s). 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103 and 104.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 17, 2001

The Speaker signed the following: House Bill(s) No(s). 257, 289, 705, 869, 872, 1372, 1382, 1387, 1469, 1529, 1633, 1685, 1738, 1955, 1999, 2003, 2004, 2007, 2008, 2009, 2010; House Joint Resolution(s) No(s). 28, 180; also, House Resolution(s) No(s). 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103 and 104.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 17, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 322, 1196, 1328, 1689; also, Senate Joint Resolution(s) No(s). 253, 254, 256, 257, 258, 259, 260, 261, 262, 263, 265, 266, 268, 269, 270, 272, 273, 274, 275, 276, 277, 278 and 279 for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

SIGNED

May 17, 2001

The Speaker signed the following: Senate Bill(s) No(s). 322, 1196, 1328, 1689; also, Senate Joint Resolution(s) No(s). 253, 254, 256, 257, 258, 259, 260, 261, 262, 263, 265, 266, 268, 269, 270, 272, 273, 274, 275, 276, 277, 278 and 279.

MESSAGE FROM SENATE
May 17, 2001

MR. SPEAKER: I am directed to request the return of House Bill(s) No(s). 407, for further consideration.

RUSSELL A. HUMPHREY, Chief Clerk.

CONSENT CALENDAR
May 17, 2001

The following local bills have been placed on the Consent Calendar for **May 21, 2001**: House Bill(s) No(s). 2011, 2012 and 2005.

ROLL CALL

The roll call was taken with the following results:

Present.....92

Representatives present were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

RECESS MOTION

On motion of Rep. Davidson, the House stood in recess until 4:00 p.m., Monday, May 21, 2001.